

TOWN OF RISING SUN
MAYOR & COMMISSIONERS TOWN MEETING MINUTES

Let it be remembered that the Mayor and Board of Commissioners of the Town of Rising Sun held a Town Meeting at the Janes United Methodist Church on Tuesday evening August 28, 2012. For the record the meeting place and time were duly posted as required.

MEMBERS IN ATTENDANCE – Mayor Robert Fisher, Commissioner Stephen Naughton Commissioner Travis Marion, Commissioner Joanne Osborne. Commissioner Charles Berkowich.

MEMBERS ABSENT: None

STAFF/CONSULTANTS PRESENT – Town Administrator Calvin A Bonenberger, Jr.
Town Clerk Rhonda Harmison Mr. Jay Gullo Town Attorney

GUESTS: See Attached List

MEETING OPENING – The meeting was called to order at 7 : 00 PM by Mayor Robert Fisher, followed by the pledge of allegiance and a moment of silence.

APPROVAL OF MEETING MINUTES – Mayor Fisher asked for any corrections to the August 14, 2012 Town Workshop Meeting Minutes. Commissioner Naughton motioned, seconded by Commissioner Marion to defer the minutes until the next meeting. Motion passed 4-0.

Mayor Fisher asked Mr. Bonenberger to read into the minutes the August 28, 2012 Executive Session. Mr. Bonenberger read into the minutes that an Executive Session was held Tuesday August 28, 2012 at 6:00 PM on the second floor of Town Hall. All Commissioners, Town Administrator Calvin Bonenberger and the Town Attorney Mr. Jay Gullo were present. Topic discussed; Personnel Legal Counsel and Legal update on pending matters. Mayor Fisher asked for a motion to approve the minutes, Commissioner Osborne motioned, seconded by Commissioner Berkowich to approve the minutes, the vote was 4-0 in favor.

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PRESENTATIONS, ORDINANCES AND RESOLUTIONS –

Ordinance 2012-04 Signatures for Ordinances and Resolution Adoption; Commissioner Osborne introduced and read into the minutes Ordinance 2012-04 titled Signatures for Ordinances. Mayor Fisher opened the floor for discussion. Commissioner Osborne motioned to have this Ordinance passed as an emergency, seconded by Commissioner Naughton. After a short discussion Mayor Fisher called for a vote. The vote passed 4-0.

Resolution 2012-09; Mayor Fisher introduced Resolution 2012-09 titled Policy on Smoking /tobacco in Town Vehicles, and asked Commissioner Berkowich to read the Resolution into the minutes. Commissioner Berkowich read Resolution 2012-09 into the minutes and motioned seconded by Commissioner Marion to approve Resolution 2012-09. Mayor Fisher opened the floor for discussion. Mayor called for a vote. The vote passed 4-0.

BUSINESS ACTION ITEMS–

Meeting Agenda Format; Mayor Fisher proposed to the Board a change for the meeting agenda format, to allow citizen input at the beginning rather than the end of the meetings, stating that this will allow citizens to evaluate information before anything is passed. Mayor Fisher also proposed that all documents and contracts to be reviewed by the Mayor or his authorized representative where there are substantial administrations involved, according to Code 2-12-1 of the Town's Ordinance. Secondly, all legislation to be introduced at least one meeting prior to its passage and will be posted on the Town website as well as a fair summary published in the newspaper consistent with the Town Code Section 2-118-2C. Thirdly the Town agenda will be frozen the close of business, the Thursday before the meeting and posted on the Town's website Friday before the meeting, so as to allow the citizens to come to the meetings prepared. Commissioner Osborne asked Mayor Fisher to submit a written request for the above items to allow the Commissioners to review.

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FINANCES – Commissioner Osborne reported that Ms. Wagner was not able to attend tonight's meeting due to an illness in her family, although the financials are ready and will be presented at the next meeting. Commissioner Osborne reported to Mayor Fisher that the documents he requested are here for his review. Commissioner Osborne also reported that we have met with the bank regarding infrastructure financing, and closing various small accounts that were inactive.

TOWN ADMINISTRATOR'S REPORT – Mr. Bonenberger reported on the following;

- Water and Sewer Issues; A request has been made to convert a commercial space into a restaurant, stating that he will be meeting with the Town attorney to discuss any issues on water and sewer allocations.
- Triangle Park water line; stating that we have a \$300,00 grant between the Town and Octoraro Watershed Association for the off leash dog park and we will be discussing with the engineer the best route to run a water line to the park.
- Waste Water Treatment Plant upgrade; stating that a payment was made to Howard Robson for just under \$600,000. Also in addition to the Town being reimbursed for expenses paid to consultants and contractors on the project, the Town will be getting about \$200,000 in interest payment under the loan program. Mr. Bonenberger also reported that the grading at the wastewater treatment plant is nearly complete and the progress can be viewed on the Town's facebook page.

TOWN ATTORNEY REPORT – Mr. Gullo reported on the following:

- Closed Session; reporting that questions concerning the presentation from Mr. Carey at the last meeting were addressed and I will be reporting back with information concerning that matter.
- Ethics Law; reporting that the State of Maryland has passed a revision to the State ethics law that mandates all local governments to have the same

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conflict of interest and financial disclosure clauses. Therefore the Town needs to revise the Towns ethics laws and the Ethics committee will be meeting to address the revisions.

- Wastewater Treatment Plant financing; the loan for the wastewater treatment plant will need to be re-negotiated, due to the construction not starting on schedule.

MAYOR AND COMMISSIONER REPORTS –

SEWER & WATER – Commissioner Naughton reported on the following:

- Water Rates; in the past it has been reported that water can be produced for \$1.11 per thousand gallons with the development of wells, however clarifying that this would be impossible and sharing language from a Resolution from 1983 where the water rate was raised from \$1.75 to \$1.85 per thousand almost twenty years ago. Commissioner Naughton introduced Mr. Dave Stewart from CDM engineering to present to the audience a cost and feasibility analysis for production of water from wells. Mr. Stewart outlined the cost and availability of well water production stating that a cost of around 2 million per well with a total cost of 12 million, assuming everything goes well, also addressing the issue of MDE allocations and the required recharge area of 400 acres. Mr. Stewart presented alternatives for water sources, stating that surface water isn't a good option therefore interconnection to Chester Water would be the best option for the Town with a cost estimate of five to seven million. Mr. Stewart opened the floor for questions. Commissioner Naughton asked what would be the time frame for getting water in production. Mr. Stewart replied that a year to 18 months for an interconnection and four years for full well production.

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BOARD OF ZONING APPEALS – No Report

HISTORICAL PRESERVATION COMMISSION – No Report

OLD BUSINESS. – Mayor Fisher introduced Mr. George Beer to present his proposal for phase two of Maple Heights. Mr. Beer presented to Mayor and Commissioners his plan to build phase two of Maple Heights outlining the demographics of the existing units and addressing concerns. Mr. Beer stated that the plan is for about 60 units containing a mixture of single family, townhouse, and duplexes with a purchase program offered to the tenants in year fifteen. Mr. Beer asked for a letter of endorsement from the Town for his project which would allow him to go forward with the funding application through the State of Maryland Housing Authority. Reminding the Mayor and Commissioners that the proposed plan was approved at an earlier date and at this point he is not asking for any land or permit approval. Mayor Fisher asked how soon he would need an answer stating that more time is needed for the Planning and Zoning Board to review the request. Commissioner Naughton asked if these units are going to be rental properties, Mr. Beer replied yes but with a purchase option in year fifteen. Commissioner Osborne asked if the purchase option will be offered to all renters regardless of when they move in, Mr. Beer replied that in the year fifteen of the development that option will be offered to all renters regardless of how long they have been renting. Mr. Montgomery who is partnered in the project stated that the Planning Commissioners have already approved the project. Mr. Warnick and Mr. Smith the Towns Planning and Zoning Board members reported that they are aware of the plans that were submitted and approved when phase I of Maple Heights was built. Mr. Gullo further clarified at this point there is no Town liability. Mr. Beer clarified that he is only asking for a letter of support to allow him to go forward with funding and realizes that this is not a request to build. Commissioner Osborne stated that based upon the fact that this is an approved project and the request is just for approval of support from the Town allowing him to apply for funding of the project, we have before us Resolution 2012-10. Commissioner Osborne read into the minutes Resolution 2012-10 and motioned for a vote seconded by Commissioner Berkowich. Mr. Bonenberger asked to read into the minutes a question directed to Mr. Gullo about the water and sewer moratorium and impact fees. Mr. Gullo answered that in order for the Town to issue

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building permits the Town needs to lift the water moratorium, and set impact fees going forward. Motion passed 3-0 with Commissioner Marion abstaining.

NEW BUSINESS. – No new business.

MAYOR AND COMMISSIONERS REPORTS. –

Mayor Fisher Reported on the following;

- His hope is for the Commissioners and himself to be able to work together for the best interest of the citizens of the Town of Rising Sun. He commented that his goal is to work toward a collaborative and responsive government, further commending the Commissioners for their efforts. Mayor Fisher promised that he will make himself available any time for input.

Commissioner Berkowich reported on the following: No Report

Commissioner Marion reported on the following:

- Dog Park Meeting; A meeting was held with the Town's contractor that will be removing the millings at the Dog Park stating that the silt fencing has been installed and the asphalt millings have been broken and piled up. Also stating that he, the Town Administrator and the Public Works Superintendent walked the park grounds.
- Community Park update; the public works officials have painted the park benches and remove the volley ball court. Also the eye hooks have been replaced on the swings. Commissioner Marion reported that Mr. Pierson has given him a name of an Arborist who he called and he has agreed to take a look at the trees.
- Town Website; I have submitted to the Board bios forms to be completed and Dave Warnick will be taking pictures tonight after the meeting and as soon as they are completed he will be posting the information on the website.

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- Maryland Municipal League; reporting that he has has been appointed to serve on the Communications Committee.

Commissioner Naughton reported on the following:

- Crab Feast; commenting that everyone had a good time and it was a great event.
- Library re-opening; reporting that there is a scheduled re-opening date of September 12th.

Commissioner Osborne reported on the following;

- Cooper Street Storm Drain; a joint venture with Armstrong Cable with an estimate of \$37,000.
- Cooper Street sidewalk work; an estimate of \$43,491.25.
- Mount, Pearl and Cherry Street repairs; will have to wait until next year.
- Commercial Truck parking; issues about trucks parking in residential neighborhoods specifically a tractor/trailer parking in the Rising Hills development and we are working to resolve this issue.

CITIZEN'S INPUT – Citizens presented their concerns to the Board.

- Mr. Jason Snedden of 5 E Main St; shared his concerns about not being able to review Ordinances and Resolutions before they are adopted.
- Mr. August Pierson of 102 Little Brick; commented that prior Commissioners have made the best decision concerning water alternatives.
- Mr. Will Smith of 311 Stone Run; shared his concerns to the Board from the Bryans Grace Homeowners Association in reference to the dedication of Bryans

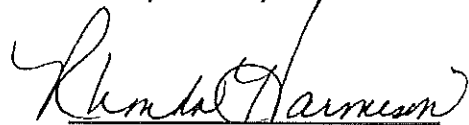
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Grace and requested a meeting to discuss the issues and gave the Board a formal request to respond in 30 days.

- Mr. Allen Authenreath of 107 Broad Leaf; commended to Mr. Bonenberger and the Public Works Department for the quick response and repair of the water main break for going above and beyond the call of duty.
- Mr. Jeff Aughenbaugh of 112 Turtleback Ct; shared with everyone quotes from a Supreme Court of 1892 in reference to the Holy Trinity Church verses the U.S.
- Roger Lamb of 147 Stevens Rd; shared his concerns about the Town's businesses not cleaning up litter around their business.
- Ms. Dee Emsley of 479 Slicers Mill Rd; presented the Board with a timer to use for citizen input limits.
- Mr. Skip Yust of 36 Cherry St; commented that he believes progress has been made tonight and hope that the Town continues in the right direction.

ADJOURNMENT – With no other business before the board, a motion was made by Commissioner Joanne Osborne to adjourn. The meeting adjourned at 9: 35 PM.

Respectfully submitted

A handwritten signature in cursive script, appearing to read 'Rhonda Harmison', is written over a horizontal line.

Rhonda Harmison
Town Clerk

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Motion to approve the minutes made by Commissioner Stephen Naughton,
seconded by Commissioner Charles Berkowich at the September 25, 2012 Town
Meeting

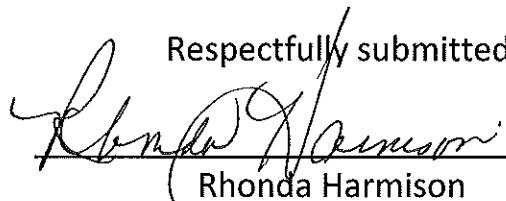
Motion Passed 3 0

DECLARATION AND VERIFICATION OF AUTHENTICITY

I, Rhonda Harmison Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing minutes are a true, perfect and complete copy of the Minutes adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this 18th day of September 2012.

Respectfully submitted


Rhonda Harmison
Town Clerk

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CERTIFICATE & TOWN SEAL

(STATE OF MARYLAND)

(COUNTY OF CECIL)

(TOWN OF RISING SUN)